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APPLICATION NO. FILING DAT		LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,866	/668,866 09/25/2000		Eberhard Potempka	H01.2-9276	2781
490	7590	12/17/2001			
•		STEINKRAUS,	EXAMINER		
6109 BLUE CIRCLE DRIVE SUITE 2000				NGUYEN, DUNG V	
MINNETON	MINNETONKA, MN 55343-9185			ART UNIT	PAPER NUMBER
				3723	4
				DATE MAILED: 12/17/2001	7

Please find below and/or attached an Office communication concerning this application or proceeding.

· ·	Application No.	A 1					
•	Application No.	Applicant(s)					
Office Action Summary	09/668,866	EBERHARD POTEMPRA					
a management of the second of	Examiner	Art Unit					
The MAILING DATE of this communicatio	Dung V Nguyen	3723					
Period for Reply	. appears on the sover sheet will	the correspondence address					
A SHORTENED STATUTORY PERIOD FOR R THE MAILING DATE OF THIS COMMUNICATI - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communicatic - If the period for reply specified above is less than thirty (30) days - If NO period for reply is specified above, the maximum statutory in - Failure to reply within the set or extended period for reply will, by - Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b). Status	ON. FR 1.136(a). In no event, however, may a repon. a reply within the statutory minimum of thirty (period will apply and will expire SIX (6) MONTHESTATUTE. Cause the application to become ABAN	ly be timely filed 30) days will be considered timely. 35 from the mailing date of this communication.					
1) Responsive to communication(s) filed or	•						
2a) ☐ This action is FINAL. 2b) ⊠	This action is non-final.						
3) Since this application is in condition for a closed in accordance with the practice u	illowance except for formal matte nder <i>Ex parte Quayle</i> , 1935 C.D.	ers, prosecution as to the ments is 11, 453 O.G. 213.					
Disposition of Claims							
4)⊠ Claim(s) <u>1-10</u> is/are pending in the applic	ation.						
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1-3</u> is/are rejected.							
7) Claim(s) <u>4-10</u> is/are objected to.							
8) Claim(s) are subject to restriction a	nd/or election requirement.						
Application Papers							
9) The specification is objected to by the Exa	miner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.							
12) The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. §§ 119 and 120							
13)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a)⊠ All b)□ Some * c)□ None of:							
1.⊠ Certified copies of the priority docu							
2. Certified copies of the priority docu							
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).							
a) The translation of the foreign language provisional application has been received.							
15) Acknowledgment is made of a claim for do	mestic priority under 35 U.S.C. §	§ 120 and/or 121.					
Attachment(s)							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-94) 3) Information Disclosure Statement(s) (PTO-1449) Paper No.	3) 5) Notice of Info	mmary (PTO-413) Paper No(s) ormal Patent Application (PTO-152)					
U.S. Patent and Trademark Office	as Astian Comman.	Dad of Danse No. 4					

Application/Control Number: 09/668,866

Art Unit: 3723

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: typo errors, page 2, line 24, "rotary rive" should be "rotary drive"; page 7, line 11, "motor 52" should be "motor 52" and line 24, "suction head 20" should be "suction head 52"; page 8, line 1, "frame 20" should be "frame 10"; page 10, line 24, "linear guide 100" should be "linear guide 101". Appropriate correction is required.

Claim Objections

Claims 1 and 9 are objected to because of the following informalities: typo errors, claim 1, lines 9 and 10, "arm (52)" should be "arm (50)", line 12, "lay-down device (74)" should be "lay-down device (72)", claim 9, lines 3 and 5, "guide (100)" should be "guide (101)". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and

Application/Control Number: 09/668,866

Art Unit: 3723

Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 3 recites the broad recitation a deepened point, and the claim also recites a bore which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto (USPN 5,333,413). Hashimoto discloses an apparatus D for removing semiconductor wafers from within the runner disks 7 in a double-sided polishing machine 1 comprising a suction head 26 adapted to be connected to a vacuum, which has a plurality of suction ports such that all semiconductor wafers received by a runner disk 7 may be gripped simultaneously, an arm 25 on which the suction head 26 is rotatably supported about an axis O and which is pivotally support about a vertical axis

Art Unit: 3723

z at a spacing from the suction head 26 or is supported so as to be linearly adjustable or adjustable in height, a rotary drive for the suction head 26, a drive for the arm 25, a lift drive for the arm 25, a control device for activating the drives such that the semiconductor wafers may be deposited on a lay-down device 15 in a predetermined, aligned position, wherein the runner disks have a mark, the suction head 26 has a sensor 28 for detecting the mark and the control device while rotating the suction head moves it to a predetermined rotational position relative the runner disk 7 (note Fig. 1 and 3, col. 3, line 20 to col. 5, line 18).

Allowable Subject Matter

Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 4-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hakomori '490 and '906 and Masumura et al are cited to show apparatus for removing semiconductor wafers from within a runner disks in a double-sided polishing machine.

Page 5

Application/Control Number: 09/668,866

Art Unit: 3723

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V Nguyen whose telephone number is 703-305-0036. The examiner can normally be reached on M-F, 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on 703-308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

DVN

December 13, 2001

Dung Van Nguyen

Jung van hyngen

Patent Examiner